



**General Assembly of Tennessee**  
**OFFICE OF LEGAL SERVICES**  
War Memorial Building  
Nashville, Tennessee 37243-0059

January 13, 2017

## MEMORANDUM

**TO:** Honorable Randy McNally, Lt. Governor and Speaker of the Senate  
Chairs of standing committees of the Senate  
Honorable Beth Harwell, Speaker of the House of Representatives  
Chairs of the standing committees of the House of Representatives

**FROM:** Karen Garrett, Director  
Doug Himes, Director  
Paige A. Seals, Revisor of Statutes

**SUBJECT:** Revisor of Statutes - 2016 Report

### I. BACKGROUND INFORMATION

The Office of the Repealer was created within the Office of Legal Services (OLS) by Chapter 475 of the Public Acts of 2013 (Tenn. Code Ann. § 3-12-109); the functions and duties of the office were transferred to the Revisor of Statutes within OLS by Chapter 603 of the Public Acts of 2016. The Revisor of Statutes accepts submissions from Tennessee citizens and entities for review of Tennessee state laws and rules believed to be anachronistic, obsolete, defective, duplicative, contradictory, unnecessary, or incomprehensible. Please accept this memorandum as the 2016 Annual Report of the Revisor of Statutes. The 2016 Annual Report encompasses submissions made to the OLS Revisor from January 1, 2016, through December 31, 2016. During this reporting period, the OLS Revisor received three completed submissions via the website and no submissions via regular mail. Each submission was assigned a unique identifying file number and reviewed by staff. In addition, agencies identified as having familiarity with submissions were invited to submit comments to the OLS Revisor. On a month-to-month basis, the OLS Revisor received submissions as follows:

January 2016	=	0
February 2016	=	0
March 2016	=	1
April 2016	=	0
May 2016	=	2
June 2016	=	0
July 2016	=	0
August 2016	=	0
September 2016	=	0
October 2016	=	0
November 2016	=	0
<u>December 2016</u>	=	<u>0</u>
TOTAL	=	3

## II. SUBMISSION FORMS RECEIVED & RECOMMENDATIONS

The OLS Revisor makes the following findings and recommendations as to the submission forms submitted:

**A. 2016-1 – miscellaneous sanitary regulations-workshops.** Tennessee Code Annotated, Title 68, Chapter 15, Part 1, regulates "workshops," which are defined as "any place where goods or products are manufactured or repaired, cleaned, or sorted, in whole or in part, for sale or for wages. Whenever any house, room or place is used for the purpose of carrying on any process of making, altering, repairing or finishing, for sale or for wages, any coats, vests, trousers, knee pants, overalls, cloaks, shirts, waists, purses, feathers, artificial flowers, or cigars, or any wearing apparel of any kind whatsoever, intended for sale, it is, within the meaning of this part, deemed a workshop for the purpose of inspection." It has been submitted that these particular statutes, which were enacted in 1932 and not directly amended since that time, are "anachronistic," "duplicative," "incomprehensible," "obsolete," and "unnecessary". While the OLS Revisor does not concur with these reasons, the OLS Revisor does find that the Part is obsolete. Generally, the oversight of various workplaces, including safety standards and inspections, is covered by other, more recently enacted statutes and enforced by the appropriate department of state government, depending on the type of business involved. After review of the statutes and consultation with the departments of

health and labor and workforce development<sup>1</sup>, the OLS Revisor recommends deletion of Title 68, Chapter 15, Part 1.

***B. 2016-2 –violations of building standards and prohibition on retroactive application.*** Tennessee Code Annotated, Section 68-120-102, generally prohibits the construction and use of a structure in violation of building standards, and provides for the "grandfathering" of structures constructed under previous building standards. It has been submitted that this statute is "anachronistic," "obsolete," and "unnecessary." The OLS Revisor cannot concur with this submission. According to the Department of Commerce and Insurance, this statute "ensures that buildings conform to the code adopted at the time of construction and that jurisdictions cannot require all buildings to be modified to meet more stringent codes adopted after that building's completed construction...and [requires that buildings are] reconstructed to the code adopted at the time of reconstruction".<sup>2</sup>

***C. 2016-3 – assessment of mobile homes.*** Tennessee Code Annotated, Section 67-5-802, governs how mobile homes are assessed for property tax purposes. It has been submitted that this section is "incomprehensible," "contradictory," and "defective." The OLS Revisor cannot concur with this submission. The section of law at issue is the statutory implementation of the constitutional requirement that "[h]ouse trailers, mobile homes, and all other similar movable structures used for commercial, industrial, or residential purposes shall be assessed as Real Property as an improvement to the land where located" (see Constitution of Tennessee, Article II, Section 28). Although an individual may disagree with the substance of the law, this statute is currently utilized by the board of equalization in determining the amount of property tax due from an owner of land on which there are mobile homes. Any amendment to, or repeal of this statute is a policy decision, and it is the role of the General Assembly to decide such policy matters.

If you have any questions, please contact Paige Seals at (615) 741-3056.

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<sup>1</sup> "We have reviewed the statute and believe it to be obsolete," comment from the Department of Health, January 1, 2016. "T.C.A. 68-15-101, etc. is not relevant to our department," comment from the Department of Labor and Workforce Development, January 9, 2017.

<sup>2</sup> Agency comments, December 22, 2016.